

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

Andrew William Smith and Lisa Velten-Smith,
Individually and on behalf of all others similarly
situated

V.

Wells Fargo & Company, a California
Corporation, Wells Fargo Bank, N.A. a California
Corporation, and Does 1-20

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

08 CV 0564

JUDGE KAPLAN

TO: (Name and address of Defendant)

Wells Fargo & Company: 420 Montgomery Street, San Francisco,
California 94163

Wells Fargo Bank, N.A.: 464 California Street, San Francisco, California,
94104

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

ZRAICK, NAHAS & RICH
Stuart E. Nahas, Esq.
303 Fifth Avenue
Suite 1201
New York, New York 10016
(212) 686-0855

MILSTEIN, ADELMAN & KREGER, LLP
Wayne S. Kreger, Esq.
2800 Donald Douglas Loop North
Santa Monica California 90405
(310) 396-9600

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

Manos Quintero

(By) DEPUTY CLERK

JAN 23 2008

DATE

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RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 2/4/08 @ 12:55 p.m.
NAME OF SERVER (PRINT) Jim Wardlow	TITLE a registered CA process server
Check one box below to indicate appropriate method of service	
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: WELLS FARGO BANK, N.A. c/o CSC Lawyers, INC. 2730 Gateway Oaks Dr. Sacramento, CA 95833	
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:	
<input type="checkbox"/> Returned unexecuted: Becky De George, registered agents	
<input type="checkbox"/> Other (specify):	

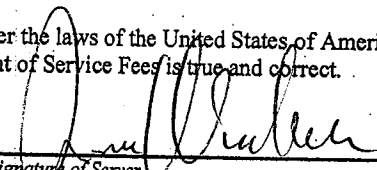
STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
		\$0.00

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 2/4/08
Date


Signature of Server

Jim Wardlow (Sac. Co. Reg. No. 87-010)
Star Services, Inc.
10642 Santa Monica Bl., Ste. 206

Address of Server

Los Angeles, CA 90025
(310) 495-3626

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ECF CASE

-----X
**ANDREW WILLIAM SMITH and LISA VELTEN-SMITH,
Individually and on behalf of all others similarly situated**

Civil Action No.:
08 CV 0564 (LAK)(DFE)

Plaintiff,

-against-

**AFFIDAVIT OF
SERVICE**

**WELLS FARGO & COMPANY, a California Corporation,
WELLS FARGO BANK, N.A. a California Corporation,
and Does 1 through 20,**

Defendants.
-----X

State of California)
)
County of Los Angeles) ss:

Jim Wardlow, being duly sworn, states:

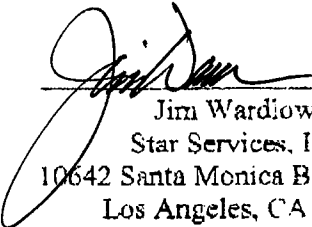
1. I am not a party to the action, am over 18 years of age, and am employed at 10642 Santa Monica Blvd Ste. 206.

2. On February 4, 2008, I served the Summons in a Civil Action, Class Action Complaint for Injunctive Relief, Civil Case Cover Sheet, Individual Procedures of Judge Lewis A. Kaplan, Consent to Proceed Before United States Magistrate Judge, 3rd Amended Instructions for Electronic Case or Appeal, Guidelines for Electronic Case Filing, Procedures for Electronic Case Filing and Individual Practices of Magistrate Judge Eaton upon the following at the address designated for that purpose:

Wells Fargo Bank, N.A.
C/O CSC Lawyers, Inc., Registered Agent for Service of Process
2730 Gateway Oaks Dr.
Sacramento, CA 95833

3. Service of the above-described documents was left with Ms. Becky De George at the above address.

4. Service was made by delivering, by hand, a true copy of the above-described documents


Jim Wardlow
Star Services, Inc.
10642 Santa Monica Bl., Ste. 206
Los Angeles, CA 90025

Sworn Before me this
____th day of February, 2008

Notary Public

State of California

County of Sacramento

Subscribed and sworn to (or affirmed) before me on this 15th
day of Feb., 2008, by Jim Wardlow,
proved to me on the basis of satisfactory evidence to be the person(s)
who appeared before me.

(Seal)

Signature 

